



SEP & REF  
# 307

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.			
Typed or Printed Name	Donna Macedo		
Signature		Date	3/5/02

REQUEST FOR REFUND		
Address to:  Assistant Commissioner for Patents Washington, D.C. 20231	Application Number	09/582,964
	Confirmation Number	4643
	Filing Date	July 6, 2000
	First Named Inventor	Hoffman, et al.
	Examiner	Russell S. Travers
	Group Art Unit.	1617
Attorney Docket	THUR-001	

Sir:

This is a request for a refund for the filing fee and claim fees of \$412.00 which the Commissioner was authorized to charge to our Deposit Account No. 50-0815 with the Continued Prosecution Application (CPA) Request Transmittal mailed October 25, 2001 in the above-identified application. A copy of the monthly statement in which the charge appears is included with this request.

This refund is being requested per the Notice of Improper Request for Continued Examination (RCE) received from the U.S Patent and Trademark Office on March 4, 2002 (copy attached).

Please deposit the refund in the amount of \$412.00 into Deposit Account No. 50-0815.

Respectfully submitted,  
BOZICEVIC, FIELD & FRANCIS LLP

Date: 3.5.02

By:   
Bret E. Field  
Registration No. 37,620

BOZICEVIC, FIELD & FRANCIS LLP  
200 Middlefield Road, Suite 200  
Menlo Park, CA 94025  
Telephone: (650) 327-3400  
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F:\Req for refund\THUR\001



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

MONTHLY STATEMENT  
OF DEPOSIT ACCOUNT

To replenish your Deposit Account, detach and  
return top portion with your check. Make check  
payable to Commissioner of Patents & Trademarks.

Account No.	500815
Date	12-31-01
Page	1

BOZICEVIC, FIELD & FRANCIS, LLP  
ACCOUNTING  
200 MIDDLEFIELD ROAD  
SUITE 200  
MERIO PARK CA 94025

FINA

PLEASE SEND REMITTANCES TO:  
Patent and Trademark Office  
P.O. Box 70541  
Chicago, Ill. 60673

DATE POSTED			CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
MO.	DAY	YR.						
12	3	01	1	09967854	KINE001DIV2	201	355.00	301666.00
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12	3	01	169	76332442	SEEK T003	361	325.00	341446.00
12	3	01	170	76332443	SEEK T004	361	325.00	341121.00
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12	4	01	668	PCT/US01/15832	UCAL-083WO3	190	490.00	342295.00
12	4	01	669	PCT/US01/15832	UCAL-083WO3	803	137.00	342158.00
12	4	01	670	PCT/US01/14508	UCAL-168WO	190	490.00	341668.00
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12	5	01	156	60334701	STAN252PRV	214	80.00	388129.00
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12	6	01	40	60335265		214	80.00	385909.00
12	6	01	78	60335244	UCLA004PRV	214	80.00	385829.00

AN AMOUNT SUFFICIENT TO  
COVER ALL SERVICES REQUESTED  
MUST ALWAYS BE ON DEPOSIT.

OPENING BALANCE

TOTAL CHARGES

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/582,964	07/06/2000	KEITH B HOFFMAN	THUR-001	4643

7590 02/26/2002

BOZICEVIC FIELD & FRANCIS  
200 MIDDLEFIELD ROAD  
SUITE 200  
MENLO PARK, CA 94025

EXAMINER

TRAVERS, RUSSELL S

ART UNIT

PAPER NUMBER

1617

DATE MAILED: 02/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED

MAR 04 2002

Bozicevic, Field &amp; Francis

④ 03/04/02  
DOCKETEDRS (4 mos. ext) 03/04/02  
L.D. 04/04/02



APPLICATION NUMBER

FILING DATE

FIRST NAMED APPLICANT

ATTY. DOCKET NO./TITLE



DATE MAILED:

**NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)**

The request for continued examination (RCE) under 37 CFR 1.114 filed on \_\_\_\_\_ is  
improper for reason(s) indicated below:

- ☐ 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☐ 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☒ 3. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
- ☐ 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- ☐ 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on \_\_\_\_\_. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- ☐ 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
- ☐ 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

**Note:** If a request for a continued prosecution application (CPA) under 37 CFR 1.53(d) has been filed in the utility or plant application (including a previously filed CPA) that was filed on or after May 29, 2000, the request for a CPA has been treated as a RCE because the CPA practice no longer applies to such application. The constructive RCE, however, is improper for reason(s) indicated above.

**A copy of this notice MUST be returned with any reply.**

Direct the reply and any questions about this notice to:

*Rozanne Harmon*

Examining Group \_\_\_\_\_